

First, while Inmarsat as an IGO is not a purely commercial entity like I-CO Global and any privatized successor of Inmarsat will be, that does not mean that U.S. market entry by Inmarsat should be subject to a different standard than that applicable to other MSS systems. In fact, the opposite is true. The ownership of Inmarsat by national governments and Inmarsat's intergovernmental privileges and immunities present exactly the kind of competitive concerns that underlie the global ECO-Sat test.

Second, in view of the planned privatization of Inmarsat, a decision to permit the Inmarsat IGO to provide domestic MSS could effectively prejudice the right of a privatized successor of Inmarsat to provide such services. In this context, the Commission's statement that the IGOs "cannot be permitted to leverage the benefits of their intergovernmental status to unfairly distort competition"^{99/} bears repeating. If Inmarsat gains access to the U.S. domestic market without making a showing of effective competitive opportunities in accordance with the standards of the present rulemaking, it will be very difficult to reverse this fait accompli and require a privatized successor of Inmarsat to make such a showing.

Third, neither Inmarsat nor its customers have any legitimate commercial expectations regarding U.S. domestic Inmarsat services. Nothing in the Communications Act of 1934 or the Communications Satellite Act, as amended by the Maritime Satellite Act, guarantees authorization of such services, and it has long been the Commission's policy that "Inmarsat should not generally be viewed as an available option for . . . interim domestic services within the U.S. while the permanent structure for those services is being developed."^{100/}

^{99/} Id. ¶ 71.

^{100/} American Mobile Satellite Corp., 7 FCC Rcd 942, 944 (1992); see also Aeronautical Services Order, 4 FCC Rcd at 6090 n.26.

Finally, application of the global ECO-Sat standard to Inmarsat's domestic services would not necessitate "substantial amendments"^{101/} to COMSAT's existing application regarding these services. In that proceeding, the same considerations that underlie the global ECO-Sat test were raised by the parties as public interest factors governing grant of COMSAT's applications.^{102/}

In sum, the Commission should apply the global ECO-Sat test to Inmarsat services other than the international maritime services that are authorized by the Maritime Satellite Act.

^{101/} **DISCO-II NPRM ¶ 20.**

^{102/} **See, e.g., Petition to Deny of Motorola Satellite Communications, Inc., File No. ITC-95-341 (June 26, 1995); Petition to Deny of TRW Inc., File No. ITC-95-341 (June 26, 1995); Petition to Deny of Motorola Satellite Communications, Inc., File No. 1281-DSE-P/L-96 (July 12, 1996).**

VI. CONCLUSION

For the reasons stated above, the Commission: (1) should adopt the global ECO-Sat test for MSS that is proposed in the DISCO-II NPRM, including the critical mass standard component refined in these comments; (2) should apply this test to all earth station applications by non-U.S.-licensed MSS systems, including Inmarsat and its affiliates and successors; and (3) should resolve various other satellite licensing issues in the manner suggested in these comments.

Dated: July 15, 1996

Respectfully submitted,

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I, Thomasina Rivera, hereby certify that the foregoing Comments of Motorola Satellite Communications, Inc. and Iridium, Inc. were served, via first class mail, postage prepaid, this 15th day of July, 1996, on the following:

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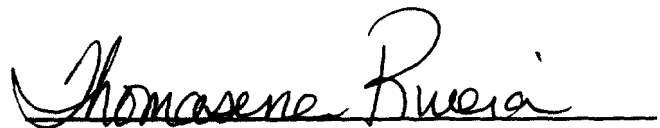
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